

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

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In re:)	Case No. 04-14577	NORTHERN DISTRICT OF OHIO
)		CLEVELAND
GENEVIEVE M. GEORGE,)	Chapter 7	
Debtor.)		
)	Adversary Proceeding No. 04-1512	
STEVEN S. DAVIS,)		
Plaintiff,)	Judge Arthur I. Harris	
)		
v.)		
)		
GENEVIEVE M. GEORGE,)		
Defendant.)		

MEMORANDUM OF OPINION

Genevieve George filed her Chapter 7 case, Case #04-14577, on April 14, 2004. On July 20, 2004, Ms. George received her discharge (Docket #22 in the main case, Case #04-14577). On July 29, 2004, the trustee, Steven Davis, filed a motion for turnover of funds. The motion stated that Ms. George had \$3,178 in estate property from a tax refund that needed to be turned over to the trustee. Ms. George filed no response. On September 3, 2004, the Court entered an Order of Turnover of the \$3,178 (Docket #26 in the main case, Case #04-14577). On September 27, 2004, plaintiff/trustee filed this adversary proceeding asking the Court to revoke the discharge under Sections 727(d)(3) and 727(a)(6)(A). On February 2, 2005, plaintiff/trustee filed a motion for summary judgment (Docket #14) along with an affidavit stating that the \$3,178 had not been paid. Ms. George

has not responded.

The only facts before the Court are the Court's own order and the affidavit from the trustee stating that Ms. George has not complied. Section 727(d)(3), incorporating Section 727(a)(6)(A), states that the Court shall revoke a discharge when the "debtor refuses to obey any lawful order of the court." Thus, summary judgment is appropriate in this case where the facts are undisputed and plaintiff is entitled to judgment as a matter of law. FED. R. BANKR. P. 7056 (incorporating FED. R. CIV. P. 56(c)). The motion for summary judgment is granted, and the discharge in Case #04-14577 is revoked pursuant to Sections 727(d)(3) and 727(a)(6)(A).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Arthur I. Harris', is written over a horizontal line.

Arthur I. Harris
United States Bankruptcy Judge